

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X

DAVID CRUZ VENTURA, REINA PENA, and
ALEXANDER GOMEZ CANALES,
Plaintiffs,

ADOPTION ORDER
14-CV-3163 (ADS)(ARL)

-against-

CAFE SPICE ROOSEVELT FIELD MALL,
LLC, and RAKESH CHADHA,
Defendants.

-----X

APPEARANCES:

Neil H. Greenberg & Associates, P.C.

Attorneys for the Plaintiffs

4242 Merrick Rd

Massapequa, NY 11758

By: Justin M. Reilly, Esq.

Neil H. Greenberg, Esq., Of Counsel

SPATT, District Judge.

On May 20, 2014, the Plaintiffs David Cruz Ventura, Reina Pena, and Alexander Gomez Canales (collectively, the “Plaintiffs”) commenced this action against the Defendants Cafe Spice Roosevelt Field Mall, LLC and Rakesh Chadha (collectively, the “Defendants”). The Plaintiffs seek to recover unpaid wages pursuant to the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.* (“FLSA”) and the New York Labor Law §§ 190 *et seq.* (“NYLL”).

On October 1, 2015, the Plaintiffs moved for a default judgment.

On October 2, 2015, the Court referred the Plaintiffs’ motion to United States Magistrate Judge Arlene R. Lindsay for a recommendation as to whether the motion should be granted, and if so, (1) whether damages should be awarded, including reasonable attorney’s fees and costs, and (2) whether any other relief should be granted.

On August 1, 2016, Judge Lindsay issued a report recommending that: (1) a default judgment be granted in favor of the Plaintiffs against Defendants, and (2) the Plaintiffs be awarded in damages in the following amounts: (a) Ventura be awarded \$57,790.32 in unpaid minimum, overtime and spread-of-hours wages; \$53,983.92 in liquidated damages; and prejudgment interest of 9% annually on the sum of \$30,489.84 from February 20, 2012 through the date of entry of judgment; (b) Pena be awarded \$48,039.00 in unpaid minimum, overtime and spread-of-hours wages; \$83,613.75 in liquidated damages; and prejudgment interest of 9% annually on the sum of \$10,395.00 from January 12, 2013 through the date of entry of judgment; and (c) Canales be awarded \$27,285.00 in unpaid minimum, overtime and spread-of-hours wages; \$44,656.00 in liquidated damages; and prejudgment interest of 9% annually on the sum of \$7,704.00 from April 30, 2013 through the date of entry of judgment. In addition, Judge Lindsay recommended that the Court grant the Plaintiffs' request for the opportunity to make a motion for attorneys' fees.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. See Coburn v. P.N. Fin., No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at *1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the R&R is adopted in its entirety. The Plaintiffs may move for attorneys' fees within thirty days of the date of this Order.

SO ORDERED.

Dated: Central Islip, New York
October 4, 2016

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge